

## 2011 DRAFTING REQUEST

### Bill

Received: 03/23/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Dean Knudson (608) 266-1526

By/Representing: Nick Probst

May Contact:

Drafter: agary

Subject: Transportation - motor vehicles

Addl. Drafters:

Extra Copies: EVM

Submit via email: YES

Requester's email: Rep.Knudson@legis.wi.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Requiring referendum to impose local vehicle registration fee (wheel tax)

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			Local
/1	agary 03/25/2011	kfollett 04/13/2011	rschluet 04/13/2011	_____	ggodwin 04/13/2011	lparisi 09/28/2011	Local

FE Sent For:

<END>

→ At Intro.

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/?	agary	1/16/11 4/1/11		_____ _____			Local

FE Sent For:

<END>

**Gary, Aaron**

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**From:** Probst, Nick  
**Sent:** Friday, March 25, 2011 2:54 PM  
**To:** Gary, Aaron  
**Subject:** RE: Email from LRB Website

1. Yes, identify the amount of the fee.
2. Fee would remain but be required for ratification at next general election.

Thanks,

**Nicholas Probst**

LEGISLATIVE STAFF

P.O. Box 8952 • Madison, WI 53708-8952  
(608) 266-1526 • Fax: (608) 282-3630  
nprobst@legis.wi.gov

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**From:** Gary, Aaron  
**Sent:** Friday, March 25, 2011 2:20 PM  
**To:** Probst, Nick  
**Subject:** RE: Email from LRB Website

Nick, a couple of questions:

1. Would the referendum have to identify the amount of the fee?
2. If the municipality or county currently has a local registration fee, would there be any grace period to ratify it by referendum or would all such fees be automatically suspended between the time the bill passes and the time that any referendum could be put on the ballot?

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Probst, Nick  
**Sent:** Wednesday, March 23, 2011 9:43 AM  
**To:** Gary, Aaron  
**Subject:** Email from LRB Website

Aaron,

Rep. Knudson would like a small change to 341.35(1) drafted. The change would be to add a referendum requirement for a municipality or county to enact the registration fee. Additionally, no "grand-fathered" fee would be permitted without meeting the referendum requirement.

Let me know if you have any questions.

Thank you,

**Nicholas Probst**

LEGISLATIVE STAFF



State of Wisconsin  
2011 - 2012 LEGISLATURE

in  
3/25



LRB-1742/1-  
ARG:...

2011 BILL

Gen

- 1 AN ACT ...; relating to: requiring a referendum before a municipality or county  
2 may impose a local motor vehicle registration fee.

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*Analysis by the Legislative Reference Bureau*

Under current law, any city, village, or town (municipality) or county may, by ordinance, impose an annual motor vehicle registration fee on most automobiles and light-duty trucks customarily kept in the municipality or county. The Department of Transportation (DOT) collects this local registration fee, which is in addition to the state registration fee, at the time DOT collects the state registration fee and remits the local registration fee, minus administrative costs of collection, to the applicable municipality or county. The local registration fee may only be used by a municipality or county for transportation purposes.

This bill requires an ordinance imposing a local registration fee to be ratified by the electors at a referendum held in the municipality or county before the ordinance may take effect. The question on the referendum ballot must specify the amount of the local registration fee. If the local registration fee is approved by referendum, the amount of the local registration fee cannot thereafter be changed unless the new fee amount is adopted by ordinance and approved by referendum. If a municipality or county has in effect an ordinance imposing a local registration fee prior to the effective date of this bill, that ordinance may remain valid and in effect without ratification by referendum only until the next general election. After the next general election, any pre-existing local registration fee becomes invalid until it is ratified by referendum.

**BILL**

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 341.35 (1) of the statutes<sup>✓</sup> is amended to read:

2           341.35 (1) ANNUAL REGISTRATION FEE. In this section "municipality" means a  
3 town, village or city and "motor vehicle" means an automobile or motor truck  
4 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.  
5 The Subject to sub. (1m),<sup>✓</sup> the governing body of a municipality or county may enact  
6 an ordinance imposing an annual flat municipal or county registration fee on all  
7 motor vehicles registered in this state which are customarily kept in the municipality  
8 or county. A registration fee imposed under this section shall be in addition to state  
9 registration fees.

10 History: 1971 c. 125 s. 521; 1971 c. 164 s. 83; 1977 c. 29 ss. 1446, 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1983 a. 27; 1987 a. 216; 1997 a. 27; 1999 a. 80.

10           **SECTION 2.** 341.35 (1m) of the statutes<sup>✓</sup> is created to read:

11           341.35 (1m) REFERENDUM REQUIRED. An ordinance enacted under this section<sup>✓</sup>  
12 may not take effect until the ordinance is ratified by the electors at a referendum held  
13 in the municipality or county enacting the ordinance. The question on the  
14 referendum ballot shall specify the amount of the registration fee to be imposed by  
15 the municipality or county under the ordinance.<sup>✓</sup>

16           **SECTION 3.** 341.35 (4) of the statutes<sup>✓</sup> is amended to read:

17           341.35 (4) NOTICE OF FEES. The governing body of a municipality or county  
18 which enacts a municipal or county vehicle registration fee shall notify the  
19 department ~~that it has so elected~~ after the ordinance imposing the fee has been<sup>✓</sup>  
20 ratified as provided in sub. (1m) and shall report the amount of such the fee to the<sup>✓</sup>  
21 department. The municipality or county ~~shall report any~~ may not change in such the

**BILL**

1     ~~amount to the department. The notification shall be made at the time and in the form~~  
2     ~~prescribed by the department of the fee except by ordinance and referendum as~~  
3     ~~provided in subs. (1) and (1m).~~

History: 1971 c. 125 s. 521; 1971 c. 164 s. 83; 1977 c. 29 ss. 1446, 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1983 a. 27; 1987 a. 216; 1997 a. 27; 1999 a. 80.

4     **SECTION 4. Nonstatutory provisions.**

5             (1) Notwithstanding section 341.135 (1m) of the statutes, as created by this act,  
6     if a municipality or county enacted an ordinance under section 341.135 (1) of the  
7     statutes imposing a registration fee prior to the effective date of this subsection, that  
8     ordinance may remain valid and in effect without ratification by referendum until  
9     the next general election after the effective date of this subsection.

10

(END)

**Parisi, Lori**

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**From:** Rep.Knudson  
**Sent:** Tuesday, September 27, 2011 3:23 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1742/1 Topic: Requiring referendum to impose local vehicle registration fee (wheel tax)

Please Jacket LRB 11-1742/1 for the ASSEMBLY.